

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA : :

v. : CRIMINAL NO. MJG-17-0667

DAVON CARTER : :

DEFENDANT'S OPPOSITION TO GOVERNMENT'S MOTION  
TO EXTEND MAY 2, 2018 DEADLINE FOR FILING  
NOTICE REGARDING DEATH PENALTY

Defendant, through counsel, opposes the Government's Motion to Extend May 2, 2018 Deadline for Filing Notice Regarding Death Penalty (Doc 25). In support he states the following.

1. On December 19, 2017, the Grand Jury for the District of Maryland returned a six-count indictment against Carter. Count One charged Conspiracy to Murder a Witness (Retaliation), Count Two charged Witness Retaliation Murder, Count Three charged Conspiracy to Murder a Witness (Tampering), Count Four charged Witness Tampering Murder, Count Five charged Felon in Possession of Ammunition, and Count Six charged Possession with Intent to Distribute Marijuana. Counts One through Four carry a sentence of life imprisonment or death. The alleged offenses occurred on or about May 27, 2016.

2. Carter's initial appearance was on December 20, 2017.

3. On February 8, 2018, the Court held a conference with counsel. As a result of the conference, the Court generated an Initial Procedural Order (Doc 20). The Order, in part, requires the government to "file any Notification of

Government's Intent to Seek Death Penalty by no later than May 2, 2018.) *Id.* at p.

1, ¶ 1.

4. The government emailed counsel on April 6, 2018<sup>1</sup> advising, "The Attorney General's Review Committee on Capital Cases has requested a conference with you both ... and have asked me to confer with you and advise of a mutually convenient date over the next 4-6 weeks." Doc. 25 at p. 2. The government now seeks a 45-day extension for the Attorney General's Office to decide whether it will seek the death penalty.

5. The government has had four months to call counsel in for a conference, but failed to take any steps to do so. Now, a mere 13 days before the May 2<sup>nd</sup> deadline imposed by the Court, the government seeks a 45-day extension to do what it failed to do over the course of four months.

6. The defendant strenuously opposes this request. Carter has made clear since his first appearance in court that he does not want an extensive delay in the death review process. Moreover, it is noteworthy that the government has provided no explanation for it's four-month foot-dragging.

7. Because Carter is entitled to have his case proceed in a timely manner and because the government has failed to justify a reason for the delay, it is respectfully requested that the Motion be denied.

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<sup>1</sup> The government's Motion states that the email was dated April 6, 2016. Defense counsel's records indicate the email was sent on April 6, 2018.

Respectfully submitted,

/s/\_\_\_\_\_

Christopher M. Davis  
Davis and Davis  
1350 Connecticut Ave NW Ste 202  
Washington, DC 20036  
202.234.7300

/s/\_\_\_\_\_

Gerald T. Zerkin  
Gerald T. Zerkin, Attorney at Law  
2025 E. Main St. Ste. 108  
Richmond, VA 23223  
804.921.4885

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Opposition was served upon all counsel of record via the Court's CM/ECF system on this 20<sup>th</sup> day of February 2018.

/s/\_\_\_\_\_

Christopher M. Davis